

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 05-40045 FDS

CITIBANK, N.A. AS TRUSTEE,

Plaintiff,

v.

**JOHN P. PHELAN, WENDY M. PHELAN, DAVID
LA BRIE, THE UNITED STATES OF AMERICA,
O'CALLAGHAN CONSTRUCTION COMPANY
AND THE COMMONWEALTH OF
MASSACHUSETTS DEPARTMENT OF
REVENUE,**

Defendants.

DEFAULT JUDGMENT

Now, upon application of Plaintiff and an affidavit demonstrating that Defendant, John P. Phelan, was properly served with process and has failed to file a timely answer, that the Defendant, John P. Phelan, is not an infant or incompetent person or in the military service of the United States, and default having entered, it is hereby:


ORDERED, ADJUDGED AND DECREED

That the Plaintiff's Motion for Entry of Default Judgment shall be granted; and Defendant, John P. Phelan, shall be barred from making any claim to the interpleaded surplus funds.

SO ORDERED:


Saylor, D.J.

ENTERED:


Clerk